

## LAW OFFICES OF

Thomas N. Young  
Andrew R. Basile  
William M. Hanlon, Jr.  
Marshall G. MacFarlane  
Donald L. Wood  
Thomas D. Helmholdt  
Todd L. Moore  
Thomas E. Bejin  
Christopher A. Mitchell  
Kathleen G. Mellon  
Darlene P. Condra  
Molly Basile Markley  
Christian J. Garascla  
Michelle L. Knight  
Amanda Conti Duhalme  
Dan Checkowsky  
Michael Jones

YOUNG & BASILE, P.C.  
YOUNG, BASILE, HANLON,  
MacFARLANE, WOOD & HELMHOLDT, P.C.  
PATENTS, TRADEMARKS AND COPYRIGHTS  
3001 WEST BIG BEAVER ROAD  
SUITE 624  
TROY, MICHIGAN 48064-3107

TELEPHONE (248) 649-3333  
FACSIMILE (248) 649-3338

2001 Commonwealth Blvd.  
Suite 301  
ANN ARBOR, MI 48105-1562  
TELEPHONE (734) 662-0270  
FACSIMILE (734) 662-1014  
Duncan F. Beaman, OF COUNSEL  
(517) 787-4511

MT. CLEMENS  
(586) 469-1141

David B. Ehrlinger (1920-2000)  
Townsend F. Beaman (1931-1983)

## FACSIMILE TRANSMISSION

**DATE:** September 16, 2003

**OUR REFERENCE:** VTE-111-D

**TO:** Petitions at USPTO

**FACSIMILE NO.:** 703 308-6916

**FROM:** Thomas D. Helmholdt

**RE:** Petition Pursuant to 37 C.F.R. §1.127

**PAGES TO FOLLOW:** - 3 -

**MESSAGE:** PLEASE SEE ATTACHED DOCUMENTS

FAX RECEIVED

SEP 17 2003

PETITIONS OFFICE

THE INFORMATION CONTAINED IN THIS FACSIMILE IS ATTORNEY PRIVILEGED AND/OR  
CONFIDENTIAL AND IS INTENDED ONLY FOR THE NAMED RECIPIENT.

If you have received this communication in error, please notify us immediately. You are hereby  
notified that any dissemination, distribution or copying of this information is strictly prohibited.  
Thank you.

This message was transmitted by  
Carol Piirala In the Troy office. If  
transmission difficulties occur, please  
contact sender at (248) 649-3333. Please  
respond to:  
FACSIMILE NO. (248) 649-3338

( ) Please call to confirm receipt  
(X) Original will not follow  
( ) Original will follow by:

Our Reference: VTE-111-D

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeff Moler et al.

Serial Number: 09/772,273

Filing Date: January 29, 2001

Examiner/Art Group Unit: Addison, Karen B./2834

Title: APPARATUS HAVING A SUPPORT  
STRUCTURE AND ACTUATOR

FAX RECEIVED

SEP 17 2003

PETITIONS OFFICE

CERTIFICATION OF FACSIMILE TRANSMISSION

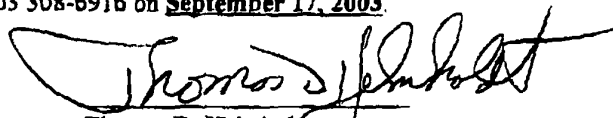
Sir:

Transmitted with this document is a Petition Pursuant to 37 C.F.R. §1.127 From a Refusal to Enter an Amendment Pursuant to 37 C.F.R. §1.116 in the above-identified application.

X Charge \$130.00 to Deposit Account Number 25-0115.

X Please charge any additional fees or credit  
any overpayment to Deposit Account Number 25-0115.

I hereby certify that this correspondence was transmitted, via Facsimile, to the U.S.  
Patent Office Petition fax number 703 308-6916 on September 17, 2003.

  
Thomas D. Helmholdt  
Attorney for Applicant  
Registration No. 33181  
(248) 649-3333

YOUNG & BASILE, P.C.  
3001 W. Big Beaver Rd.  
Suite 624  
Troy, Michigan 48084

Our Reference: VTE-111-D

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeff Moler et al.  
Serial Number: 09/772,273  
Filing Date: January 29, 2001  
Examiner/Art Group Unit: Addison, Karen B./2834  
Title: APPARATUS HAVING A SUPPORT  
STRUCTURE AND ACTUATOR

**PETITION PURSUANT TO 37 C.F.R. §1.127 FROM A REFUSAL TO  
ENTER AN AMENDMENT PURSUANT TO 37 C.F.R. §1.116**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

FAX RECEIVED

SEP 17 2003

Sir:

PETITIONS OFFICE

A Final Rejection dated March 3, 2003 was issued by the U.S. Patent Office indicating that claims 19 and 20 were allowed, and claims 21-24 were objected to as depending from a rejected base claim. An After Final Amendment was filed on July 3, 2003 placing claim 21 in independent format by incorporation into claim 1, placing claim 23 in independent format by incorporation into claim 11, rewriting claim 22 into independent format, and rewriting claim 24 into independent format, each of the amended independent claims including all of the limitations of the base claim and any intervening claim with respect to the claims indicated as being objected to as depending from a rejected base claim. Therefore, the Amendment placed claims 1-7, 10-15, 18-20, 22, and 24 in suitable condition for allowance pursuant to the indication of allowable subject matter in the previous Office Action.

An Advisory Action dated September 12, 2003 indicates that the proposed Amendment will not be entered because the Amendment raises new issues that would require further consideration and/or search (see NOTE below): where the note indicates "NOTE: further search and consideration is required". It is submitted that the previously filed Amendment accepted the subject matter indicated as being

TECHNOLOGY CENTER 2800

OCT - 2 2003

RECEIVED

-2-

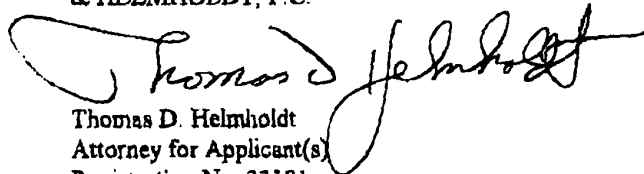
S.N. 09/772,273

allowable in the Office Action dated March 3, 2003. Each of the independent claims included the subject matter indicated as allowable including the corresponding independent claim and any intervening claims. Therefore, the Amendment did not raise new issues that would require further consideration and/or search, unless the Examiner intends to raise new grounds of rejection in which case the finality of the last Office Action must be withdrawn. The Advisory Action fails to particularly point out the new issues that were raised that would require further consideration and/or search. Accordingly, the Advisory Action is deficient in fully responding to the previously filed Amendment dated July 3, 2003.

It is respectfully submitted that the After Final Amendment dated July 3, 2003 be entered, since the Amendment did not raise new issues that would require further consideration and/or search, and places the application in suitable condition for allowance. A Notice of Appeal was filed with a Three-Month Request For Extension Of Time on September 3, 2003, and this Notice of Appeal will be moot after issuance of the Notice of Allowance in response to this Petition.

Respectfully submitted,

YOUNG, BASILE, HANLON, MacFARLANE, WOOD  
& HELMHOLDT, P.C.



Thomas D. Helmholt  
Attorney for Applicant(s)  
Registration No. 33181  
(248) 649-3333

3001 West Big Beaver Rd., Suite 624  
Troy, Michigan 48084-3107

Dated: September 17, 2003  
TDH/cmp